

MARK-UP OF THE OMNIBUS COMMITTEE FUNDING RESOLUTION, AND OTHER PENDING ITEMS

MEETING BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTH CONGRESS FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MAY 6, 2003

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TUESDAY, MAY 6, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 5 p.m., in room 1334, Longworth House Office Building, Hon. Robert W. Ney (chairman of the committee) presiding.

Present: Representatives Ney, Ehlers, Linder, Doolittle, Larson, Millender-McDonald and Brady.

Staff present: Paul Vinovich, Staff Director; Fred Hay, Counsel; Channing Nuss, Deputy Staff Director; Jeff Janas, Professional Staff Member; George Shevlin, Minority Staff director; Matt Pinkus, Minority Professional Staff Member; Keith Abouchar, Minority Professional Staff Member; and William H. Cable, Minority Special Counsel.

The CHAIRMAN. The meeting will come to order on Congress's omnibus committee funding resolution, a separate resolution funding the Committee on Homeland security, and finally a committee resolution establishing the 108th Congress frank mail allocation for committees. The committee is meeting today to consider H. Resolution 148, the omnibus resolution providing for the expenses of certain committees of the United States House of Representatives for the 108th Congress; also we will be considering H. Res. 110, a separate resolution authorizing funding for the Select Committee on Homeland Security as well as House Administration Committee resolution providing frank mail allocations to the same committees.

As everyone is well aware, we have the task this year of funding a newly created committee, Homeland Security, that will be done in a separate measure due to the fact it is a brand new authorization of a committee. In February of this year the Chair and Ranking Member of each committee presented a budget request to the Committee on House Administration and introduced individual resolutions to support their funding requests.

H. Res. 148, the omnibus primary expense resolution, combines all of the individual resolutions into one bill. These resolutions, along with the committee resolution setting the frank mail allocation, will finally fund committees for the 108th Congress. The mark is an amendment in the nature of a substitute outlining each committee's authorized spending levels for 2003 and 2004. Therefore, this is a biennial operating budget for these committees for the Chairs and the Ranking Members. A separate amendment in the nature of a substitute will be offered authorizing funds for the Select Committee on Homeland Security, and the Appropriations

Committee has already authorized the actual spending amount for that committee.

So I am pleased to put before the committee a Chairman's mark that can be supported by a majority of Members on both sides of the aisle. I feel that both the Chair and Ranking Members will agree that this carefully crafted agreement will provide sufficient funding for them to carry out the duties and responsibilities with which they are charged.

As we all know, the Select Committee on Homeland Security was created at the beginning of this Congress. That committee will provide an important oversight function of the newly created Homeland Security Department, and ensuring that the combined agencies are doing their job we all expect of them with regards to protecting our homeland. The Select Committee on Homeland Security submitted a budget request of just over 11 million; however, due to the fact that the Homeland Security budget represents a special situation with regard to this funding cycle, we have not included them, again, as I mentioned earlier, in the Chairman's mark of the omnibus expense resolution. As I also stated earlier, we will instead today pass an amendment in the nature of a substitute to the resolution introduced by Select Committee on Homeland Security authorizing their funding for the 108th Congress.

Committees of the House requested a total of 252.5 million in spending for the 108th Congress. This is a \$49 million increase over what was authorized in the 107th Congress, and represents a 24.1 increase in the amount of moneys that they requested. Removing the Homeland Security from the equation, the request by committees totaled 241.5 million, a 37.9 million increase over the 107th authorized levels, or 18.6 percent increase overall for committee funding. Further, the Chairman's mark reduces the amount requested by those committees that I just stated by 18.8 million, or a 7.8 percent decrease.

The amendment in the nature of a substitute providing expenses for all committees other than the Homeland Security authorizes 222.7 million, a 9.4 percent increase. I would note that is 9.4 percent, and if you divide that by the 2 years, it comes to—my math is not really good, but it comes to around 4.5, I assume, somewhere near that. Our scientist tells me 4.7 per year, which is very reasonable and very responsible. This is a 19.2 million increase over the 107th Congress at the authorized levels.

It should be noted that the 108th Congress funding level of 222.7 million excluding Homeland Security is still lower than the funding levels in the 103rd Congress in both constant and actual dollars. The mark for the 103rd Congress was 223.3 million. When adjusted for inflation, it amounts to 252.3 million in 2003 dollars. This means that while 10 years have elapsed since the beginning of the 103rd Congress, our funding levels are just reaching the levels authorized in that Congress on a real-dollar basis because of the drastic cuts that were instituted in the 104th Congress, the year I came into the Congress. On a constant dollar basis we are significantly under the adjusted amount by approximately \$29.6 million. I am proud of the numbers.

During the process as well as in the 107th Congress, the committee identified two special categories of requests that we felt

needed to be addressed separately from the regular funding process. It is important to ensure that we put forth the most accurate reflection of the amounts we are providing to committees, and those numbers should not be distorted and inflated with other special needs.

Here, our further requests to upgrade committee rooms and requests for disaster recovery equipment. As we did the previous session of Congress, we do in a separate measure the upgrades. We are attempting to upgrade every hearing room. This will allow the public to have more access to the Congress. If they are not coming to Washington, D.C., it can be seen over the Internet. We have had, in our own House Administration Committee, a broadcast of witnesses from Prague who have been able to testify on election reform. We are attempting to modernize the committee hearing rooms, and it is a process that has been going on for quite a few years, but we hope to have it done in the near future.

And also, the second process would be to have disaster recovery equipment. In the 107th Congress, we removed hearing upgrade requests from the normal committee funding process as those costs would have severely distorted the actual amounts it takes to run committees, because these are one-time shots that should not be included in these committee funding resolutions. It was also felt that the hearing room served an institutional function, and therefore, upgrades should be paid for out of a centralized House fund where appropriate.

Hearing rooms were in desperate need of refurbishing. Most have not seen an upgrade in decades. Having removed the upgrades in the process—from the committee funding process, we were able to proceed and make significant progress towards bringing our hearing rooms to the 21st century standards. While we have not finished all of our main and subcommittee hearings rooms as yet, we are well on our way to making the proceedings of committees more accessible and user-friendly to the general public not only across the Nation, but across the world.

On a different but related note, the 108th Congress has seen a substantial but understandable amount of requests from committees with regard to disaster recovery equipment directly related to the events of September 11 and subsequent biological attacks that were directed to the Capitol complex with the anthrax. The hearing room upgrades, the protection of committee data was thought to serve an institutional function. Therefore, the costs for providing a mechanism that gives committees an alternative off-site storage site for data in the event of a debilitating or catastrophic event should be borne by the House and not by the committees individually. Further providing enterprise solutions for off-site data storage ensures that a common standard will be applied for the equipment purchased and used to provide backup storage for committee data.

As we all know, we have had to undertake and will continue to undertake as a committee different ideas and approaches that we never thought we would be talking about since 9/11. At one point in time when our buildings were shut down, and we could not get into the computer equipment—water had leaked down through, and some of the equipment was possibly going to be compromised—

the U.S. House would have been faced with the fact that we would not have had access to data. This will allow these committees to have basically a backup that will ensure that the work of the committees and the U.S. House will still be available to the public, as it should be.

There is no way these committees could pay for this individually, for these costs. That is why we will follow up with another measure. In response to the situation, the committee, in conjunction with the Chief Administrative Officer Jay Eagan and the Architect of the Capitol, has already begun work on an alternative computing facility, ACF, that will allow committees to store their data in a protected off-site facility outside of the metro Washington, D.C., area. This facility is expected to be completely operational in the mid to later part of this year. In the interim, some committees have used funds to purchase disaster recovery equipment from previous years' funds.

The House is also offering committees a centrally funded option of having data tapes collected by a courier on a weekly basis where they are delivered to an alternative site until this is fully up and operational so the committees are still able to take their data off site as we speak. Committees will continue to work with the proper entities in the House and consult with other committees to ensure that a secure standard enterprise system is instituted that will satisfy the needs of the committee.

I will say in closing, I want to thank the gentleman from Connecticut Mr. Larson, also the members of both Minority and Majority on the committee. Gentleman had the tough duty to be able to sit down and piece a budget. This is not an easy thing to do. We took a lot of time with it, deliberated on the budgets to make sure that these committees have enough effective operating money to carry out the tasks which are important to the constituency across the country. I appreciate his patience and appreciate the working cooperation. I appreciate his tenacity for the Ranking Members and fighting for the moneys they need to operate, and also the tenacity that Mr. Larson and the Members have had to make sure that the one-third/two-thirds is intact. We appreciate it. I know the Ranking Members appreciate it, and the chairman of the committees.

And with that, I thank all the Members for being here, and Mr. Larson.

Mr. LARSON. Thank you very much, Mr. Chairman.

Let me at the outset ask unanimous consent to revise and extend my remarks and submit on behalf of myself and Juanita Millender-McDonald and Robert Brady the response of the Minority on this committee. And I am sure they will have comment as well, but I just want to start by thanking you and your staff for the cooperative effort that was put forward to ensure that the business of our body gets done. I mean, at the end of the day, when you take a look at the various budgets that we have put together, they are for the specific purpose, as we heard from the various Chairs who came before this committee, to continue to do the outreach, to collect the data, to go through the public hearing process that enables us to come closer to our constituents and perhaps even move outside the Beltway in terms of our thinking. If we heard that from one, we heard that from several different Chairs.

And this budget is tight, but it fairly addresses the concerns that were put forward by the various committee Chairs. As the Chairman has indicated, committee funding obviously was uppermost in everyone's minds, and especially as it relates to funding of COLAs for people who work here on a day-in-and-day out basis, who work extraordinarily hard and oftentimes don't get the kind of credit that perhaps their executive branch counterparts do in terms of both their work ethic and their professionalism and the amount of time they spend working on behalf of the citizens of this great country. So I am pleased again and can't thank the Chairman enough and his staff for understanding those specific work-related concerns of those who work on all of our behalf and make our job that much easier.

The whole issue of homeland security, as the chairman indicated again, is an extraordinarily important issue given the events of September 11, and one that I believe has been handled appropriately and, again, fairly. Your chairmanship and your leadership in this area especially in guaranteeing the one-third/two-thirds split—and it should be known for the record that that wasn't always the case, and it wasn't the case when the Democrats were in control. And I think it is even more incumbent for a Democratic Ranking Member to acknowledge that and to acknowledge the effort that has been made by you and by the Speaker. And it was duly noted by Juanita Millender-McDonald especially, serving on the Small Business Committee as well, that you are stepping up and making sure that not only is it a one-third/two third split, but the splits are made in such a manner that the Minority determines how their money is spent as well. That has not gone unrecognized and is duly appreciated on behalf of the Ranking Member and all of the Minority, which you have so valiantly stood up for in making sure they had an equitable means and manner in which to present their concerns in the various committees that serve this great body of ours. So I want to thank you for that as well.

I know that we are also voting on the internal operations of our franking, and again, I thank you and your staff for the work there. I would also like to acknowledge the staff on the Minority side who have done a great job working very closely with your staff and putting together this document and assisting in the amendment.

Much needs to be done. There are great concerns for more outreach and hearings in the aftermath of September 11, the current war that is going on, the shuttle disaster, just to name a few. So I think the Congress as a body has been well served by this budget, and clearly we are asking and encouraging Democrats to support this resolution. And you have our support and our unending thanks for the quality and equitable manner that you have chaired this committee and put forward legislation that assists the entire body in a bipartisan fashion.

The CHAIRMAN. I thank the gentleman.

Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman. I appreciate all your work on this, and both the Ranking Member and yourself, and I am very happy that we finally achieved the one-third/two-thirds. It is high time, and it should have happened long before, but because it was so outrageously distorted under the previous Majority, there

were some very bad feelings that we couldn't overcome. But we have done it now; that is all behind us.

I also want to put on the record and hope that the Ranking Member will agree with me in this, I don't anticipate the Republicans ever losing the Majority.

Mr. LARSON. I might disagree with you there.

Mr. EHLERS. And it certainly won't happen in the near future, and I hope not when I am here. But if it happens sometime in the future, I would like to ask Mr. Larson that you go on record as supporting continuation of this fair treatment.

Mr. LARSON. If the gentleman will yield, I will absolutely go on record stating that and have said so to our leadership and to all of our Ranking Members.

Mr. EHLERS. I thank the Ranking Member, and I appreciate that. And since he is likely to be the Speaker if we were to lose the Majority, that is a good source to have that commitment from.

With that, I yield back, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan makes me think maybe we should go up a little higher than one-third just in case.

Ms. MILLENDER-McDONALD. Thank you so much, Mr. Chairman, and let me echo the comments and overtures of my friend Mr. Ehlers, that the work that you and the Ranking Member have done to try to bring a budget to this House that is fair and that is reasonable for the committee Chairs and Ranking Members. And, Mr. Ehlers, I hate to think you are leaving after the 108th Congress, but nonetheless, I do want to echo what the Ranking Member has said in terms of your leadership not going unnoticed in terms of the one-third/two-thirds and to ensure that the Ranking Member on Small Business has the autonomy to use her one-third in the fashion that she sees fit. So I applaud you for your leadership on that and to ensure that that continues to be a practice in this House. And I am just happy to be a part of this budget that we are bringing forth today to help our colleagues to further the business of the people of this great country.

The CHAIRMAN. Thank the gentlelady.

The gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, you and the Ranking Member ought to be commended for your leadership. It is remarkable to the degree of consensus we seem to have on this and will look forward to voting to approve it.

The CHAIRMAN. Thank you.

Mr. Brady.

Mr. BRADY. Just all sorts of thank you for your leadership and for the leadership on both sides. And I feel like I am on some kind of time warp or something with all this camaraderie going on. I wonder if we took a walk across the street, I doubt, but it feels good here. So thank you.

The CHAIRMAN. Maybe we can take this feeling to the floor.

In all seriousness I want to commend the members of this committee. This will be the second time I think in decades we have had a bipartisan vote, and it says something, I think, for all of you and the institution. It is—it is easy to disagree on these. And, of course, everybody had different opinions of where we would go on this, but having a bipartisan vote to have that trend out there on something

that could be very difficult. I think says a lot for the character and integrity of each and every member of this committee. So I want to thank you for that.

The Chair lays before the committee House Resolution 148 open to amendment. And the Chair offers an amendment in the nature of a substitute. Is there any discussion?

And on—the question is on the amendment in the nature of a substitute. Those in favor of the amendment will say aye.

Those opposed will say nay.

And with that, the amendment is agreed to.

Chair recognizes Mr. Ehlers for the purpose of offering a motion.

Mr. EHLERS. Mr. Chairman, I move that the committee order House Resolution 148 as amended reported favorably to the House of Representatives.

The CHAIRMAN. Question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

The motion is agreed to, and the committee orders that House Resolution 148 be reported favorably, as amended, to the House of Representatives.

The Chair lays before the committee House Resolution 110 open to amendment, and the Chair offers an amendment in the nature of a substitute. Is there any discussion?

Question is on the amendment in the nature of a substitute. Those in favor of the amendment will say aye.

Those opposed will say nay.

Amendment is agreed to.

Chair recognizes Mr. Ehlers for the purpose of offering a motion.

Mr. EHLERS. Mr. Chairman, I move that the committee order House Resolution 110, as amended, reported favorably to the House of Representatives.

The CHAIRMAN. The question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

The motion is agreed to, and the committee orders that House Resolution 110 be reported favorably, as amended, to the House of Representatives.

The Chair leaves before the committee a committee resolution establishing the 108th Congress frank mail allocation for committees, and I think the Members have that allocation. Is there discussion?

The Chair recognizes Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, I don't have any discussion on this motion per se, but I want to just mention an issue that has troubled me, and I hope you and the other members of the committee will join in addressing it, and that is with the advent of e-mail, we are applying the same franking regulations basically to e-mail as we have always applied to snail mail. And I think it is just inappropriate, and we have to as a committee rethink that.

And I am raising that issue even though it doesn't pertain directly to this resolution because I think the committee should start thinking about how we could adapt the franking regulations to better fit with e-mail, which is a totally different situation. And we send it out at basically no cost to the taxpayers. I believe it is simply inappropriate to treat the two the same way, and I hope mem-

bers of the committee will begin thinking about that and we can have some discussion about that.

Mr. LARSON. Will the gentleman yield?

Mr. EHLERS. Yes.

Mr. LARSON. I couldn't agree more with the gentleman, and I think it is a salient point. And having said that, Mr. Chairman—

The CHAIRMAN. If the gentleman could yield, I wanted to say something on this. Last year this issue was raised. At the time the issue was raised after a Democrat primary had occurred. And I can't remember which State it was, but a Democrat primary had occurred. At that time I communicated with Minority Members because once the Democrat primary had occurred, if this had changed or had it been subject to change, we would have changed the rules after a primary. Whether it was a Democrat or Republican, it would have been irrelevant, but we would have changed the rules. And that Member in that primary could have rightfully said, I could have used this. So we let it sit as a result; actually about a week ago have started to look at it, and we are working on it to the point we will come to the gentleman from Connecticut.

So we are trying to get to that point to analyze it, but that is why I wanted to tell you the history of this. Once the one primary occurred, to change the rules after that would have been unfair to that Member.

Mr. EHLERS. Mr. Chairman, that is why I am raising it now. I have a weekly e newsletter, and I am amazed of how many citizens ask me, why don't I get that newsletter anymore. And it is very factual and no propaganda of any sort, no partisanship, just to simply report on what happened. And our citizens are deprived of that news, which we send out at no cost to us. It doesn't help us in our campaigns, and it is simply inappropriate to apply that standard to something like that.

The CHAIRMAN. The Chair recognizes Mr. Ehlers for the purpose of offering a motion.

Mr. EHLERS. Mr. Chairman, I move the committee resolution establishing the 108th Congress frank mail allocation for committees be adopted.

The CHAIRMAN. Question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

The motion is agreed to, and the committee resolution establishing the 108th Congress frank mail allocation for committees is adopted.

I ask unanimous consent that Members have 7 legislative days for statements and materials to be entered in the appropriate place in the record. Without objection, the material will be so added.

I ask unanimous consent the staff be authorized to make technical and conforming changes on all matters considered by the committee at today's meeting. Without objection, so ordered.

And having completed our business for today, the committee is hereby adjourned, and I want to thank the Members.

[Whereupon, at 5:30 p.m., the committee was adjourned.]